



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel Relative to the Walmart SuperCenter Store Litigation and Misc. General Counsel Advice (\$2,433.51), and Approval of Special Allocation Covering these Expenses.

MEETING DATE: November 2, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel relative to the Walmart SuperCenter Store Litigation and Miscellaneous General Counsel Advice in the amount of \$2,433.51, and approval of Special Allocation for these expenses to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Walmart SuperCenter Store litigation (\$2,176.00), and miscellaneous costs for general counsel advice (\$257.45) that are currently outstanding and need to be considered for payment. A Special Allocation is required for \$2,433.51, since these matters are to be paid out of the General Fund account.

Kronick, Moskovitz, Tiedemann & Girard


Matter No.	Invoice No.	Date	Description	Total	Distribution
				Amount	100351.7323
11233.001	221540	09/25/05	General advice	257.45	257.45
11233.026	221540	09/25/05	Lodi First v. City of Lodi	592.26	592.26
11233.027	221540	09/25/05	Citizens for Open Govt.v.Col	1,583.80	1,583.80
				<u>2,433.51</u>	<u>2,433.51</u>

FISCAL IMPACT: Expenses in the amount of \$2,433.51 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund, \$2,176.00 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE: General Fund: \$2,433.51

Approved:


 Jim Krueger, Finance Director


 D. Stephen Schwabauer, City Attorney

APPROVED:


 Blair King, City Manager